



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FILED

**TRUSTEES OF THE CEMENT MASONS
PENSION FUND, LOCAL 502;
TRUSTEES OF THE CEMENT MASONS
INSTITUTE OF CHICAGO, ILLINOIS;
TRUSTEES OF THE CEMENT MASONS
SAVINGS FUND, LOCAL 502; and
TRUSTEES OF THE CEMENT
MASONS APPRENTICE EDUCATION
AND TRAINING FUND, LOCAL 502,
Plaintiffs,**

v.

**NORANNE CONCRETE,
INC., an Illinois corporation,
Defendant.**

JUL 17 2008

JUL 17, 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT,

Case No.: 2008 CV 02190

Judge: JOAN H. LEFKOW

Magistrate Judge: NAN R. NOLAN

RESPONSE TO COMPLAINT

Now Comes the Defendant, **NORANNE CONCRETE, INC., an Illinois corporation,** by and through their attorney, **THE LAW OFFICES OF BARD S. MICHL,** and in response to Plaintiffs' Complaint as against the Defendant, **NORANNE CONCRETE, INC.,** states as follows:

COUNT I

1. (a) Defendant admits any and all of the allegations as contained within paragraph #1.(a) of Plaintiffs' Complaint.

(b) Defendant admits any and all of the allegations as contained within paragraph #1.(b) of Plaintiffs' Complaint.

2. Defendant admits any and all of the allegations as contained within paragraph #2 of Plaintiffs' Complaint.

3. (a) Defendant admits any and all of the allegations as contained within paragraph #3.(a) of Plaintiffs' Complaint.

(b) Defendant admits any and all of the allegations as contained within paragraph #3.(b) of Plaintiffs' Complaint.

(c) Defendant admits any and all of the allegations as contained within

paragraph #3.(c) of Plaintiffs' Complaint.

4. (a) Defendant admits any and all of the allegations as contained within paragraph #4.(a) of Plaintiffs' Complaint.

5. Defendant admits any and all of the allegations as contained within paragraph #5 of Plaintiffs' Complaint.

6. Defendant admits any and all of the allegations as contained within paragraph #6 of Plaintiffs' Complaint.

7. Defendant admits any and all of the allegations as contained within paragraph #7 of Plaintiffs' Complaint.

8. Defendant denies any and all of the allegations as contained within paragraph #8 of Plaintiffs' Complaint.

WHEREFORE, the Defendant prays that this Honorable Court grant the following relief:

- A. Entry of an Order of Dismissal with Prejudice against Plaintiffs' Complaint.
- B. Any and all other further relief as this Honorable Court may deem appropriate and just under the circumstances.

Respectfully submitted,

THE LAW OFFICES OF BARD S. MICHL

By: 
BARD S. MICHL, Attorney for the
Defendant, **NORANNE CONCRETE, INC.**

AFFIRMATIVE DEFENSE


COUNT I

The audit as performed by **RICHARD J. WOLF AND COMPANY, INC.** was substantially flawed in that at least two (2) employees as contained within said audit were NOT union members of LOCAL 502, but rather union members of LOCAL 11, namely, **MIGUEL**

COLIN and MIGUEL ORNELAS, as the following **WORKING ASSESSMENT CEMENT MASONS** worksheet indicates, together with pertinent pages of Exhibit "A" of Plaintiffs' Complaint, copies of which are collectively marked as Exhibit "A", attached hereto, and made a part thereof.

Respectfully submitted,

THE LAW OFFICES OF BARD S. MICHL

By: 

BARD S. MICHL, Attorney for the
Defendant, **NORANNE CONCRETE, INC.**


THE LAW OFFICES OF BARD S. MICHL

Attorney for Defendant,
NORANNE CONCRETE, INC.
2205 S. Wolf Road, Suite #137
Hillside, Illinois 60162-2212
(708) 947-9181 (TEL)
(708) 947-9182 (FAX)
Attorney Code No.: 6186839

PROOF OF SERVICE

Donald D. Schwartz
ARNOLD AND KADJAN
19 W. Jackson Blvd., Suite 300
Chicago, IL 60604

I hereby certify that I filed this RESPONSE TO COMPLAINT and AFFIRMATIVE DEFENSE with the Clerk of the Court on the 17th day of July and a copy will be personally delivered to the above-mentioned individual at the above-mentioned address on the 17th day of July 2008, at or before the hour of 5:00 p.m.



BARD S. MICHL, Attorney for the
Defendant, **NORANNE CONCRETE, INC.**

THE LAW OFFICES OF BARD S. MICHL
Attorney for Defendant,
NORANNE CONCRETE, INC.
2205 S. Wolf Road, Suite #137
Hillside, Illinois 60162-2212
(708) 947-9181 (TEL)
(708) 947-9182 (FAX)
Attorney Code No.: 6186839

CEMENT MAHONS LOCAL 687 - IMPUTED HOURS & DOLLARS
HORMANS CONCRETE INC. 87173

ADDITIONAL IMPUTED HOURS AND DOLLARS 107 - 1207

YEAR: 2007

S. E. F	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CORAL, MICHAEL 200-00-3025	30.05	Imp Hrs	-	-	-	-	-	-	-	-	-	4.50	7.50	7.50	14.00
CORAL, JOSHUA 200-00-3223	30.05	Imp Hrs	-	-	-	-	-	8.50	-	-	-	178.33	98.53	278.05	5 387.51
PROCTOR, WILLIAM JR. 200-00-0471	30.05	Imp Hrs	-	-	-	-	-	258.03	-	-	-	-	-	-	5 258.03
GOLF, JERRY 210-00-0102	30.05	Imp Hrs	-	-	-	-	-	5.00	-	-	-	-	-	-	5 5.00
QUINN, MICHAEL 200-00-2148	30.05	Imp Hrs	-	-	-	-	1.00	108.25	4.50	8.00	-	-	-	-	5 119.25
SCOTT, ANDREW 200-78-1318	30.05	Imp Hrs	-	-	-	-	38.35	138.48	178.33	19.25	-	-	-	-	5 378.08
TRAMER, DANIEL 200-00-0008	30.05	Imp Hrs	-	-	-	-	-	258.03	1.50	4.50	2.50	0.75	-	-	5 258.03
WAGGON, BRENDAN 200-00-0234	30.05	Imp Hrs	-	-	-	-	-	6.50	58.75	178.33	99.03	28.00	-	-	5 368.03
WAMPL, JOHN 200-00-1006	30.05	Imp Hrs	-	-	-	-	7.50	258.03	3.50	-	-	-	-	-	5 268.03
WARDEN, ROY 200-00-0348	30.05	Imp Hrs	-	-	-	-	-	188.48	5.00	-	-	-	-	-	5 193.48
WHEELER, MICHAEL 011-00-0841	30.05	Imp Hrs	-	-	-	-	-	6.00	-	-	3.00	1.00	-	7.00	5 16.00
WHEELER, DAVID 200-00-3481	30.05	Imp Hrs	-	-	-	-	-	218.18	-	-	118.00	38.04	7.00	-	5 481.22
	30.05	Imp Hrs	-	-	-	-	-	-	-	-	0.75	4.00	-	-	5 4.75
	30.05	Imp Hrs	-	-	-	-	-	-	-	-	28.00	178.33	278.05	-	5 484.38
TOTAL IMP. HOURS			-	-	-	-	8.00	48.00	14.00	5.00	6.25	18.25	9.00	14.00	188.00
TOTAL IMP. DOLLARS			-	-	-	-	5 218.38	5 1,080.00	5 877.84	5 99.28	5 348.07	5 428.00	5 378.00	5 857.00	5 4,303.06

TOTAL IMP. HOURS

TOTAL IMP. DOLLARS

CEMENT MASON LOCAL 982 FRINGE BENEFIT FUNDS
NORMAN CONCRETE INC. #7173

YEAR: 2007
ADDITIONAL HOURS SAT - 2007

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
COLIN MQUEL	2	SAT										116.00	26.00	73.00	224.00
300-00-3025															
GLENNAN FROEL	3	SAT					100.00		20.00						120.00
002-04-0148															
QUANPER DANIEL	3	SAT									120.00	71.25			191.25
320-00-0090												2.00			2.00
WAPLE JOHN	3	SAT					33.00		23.00						56.00
244-13-1028															
CONRELL MQUEL	3	SAT							37.00		107.00	104.00		104.00	452.00
011-20-0041															
WRECDONK DAVID	3	SAT									30.25	131.00			161.25
304-00-2401															
TOTAL ST HOURS							143.00		50.00		237.25	409.25	30.00	170.00	1,339.50
TOTAL SATURDAY HOURS												2.00			2.00
TOTAL BT HOURS															

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
WELFARE															
PENSION															
APPR															
DUES															
SAVINGS *															
SAFETY															
SERVICE															
TOTAL															

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
WELFARE															
PENSION															
APPR															
DUES															
SAVINGS *															
SAFETY															
SERVICE															
TOTAL															

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
WELFARE															
PENSION															
APPR															
DUES															
SAVINGS *															
SAFETY															
SERVICE															
TOTAL															

Amount Due To Funds:

WELFARE	
PENSION	
APPR	
DUES	
SAVINGS *	
SAFETY	
SERVICE	
TOTAL	

WELFARE	
PENSION	
APPR	
DUES	
SAVINGS *	
SAFETY	
SERVICE	
TOTAL	

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
WELFARE															
PENSION															
APPR															
DUES															
SAVINGS *															
SAFETY															
SERVICE															
TOTAL															

NAME	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yield
WELFARE															
PENSION															
APPR															
DUES															
SAVINGS *															
SAFETY															
SERVICE															
TOTAL															

CEMENT MANSIONS LOCAL 802 PENSION BENEFIT FUNDS
KORUM CONCRETE INC. BY773

YEAR: 2007

ADDITIONAL HOURS 1267 - 1267 PENSION DUE ON SATURDAY HOURS

E.E.#	Page	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CUNDA, ANDREU	1	BAT						0.00							0.00
100-80-0000		DT													
COVE, JOHNN	2	BAT						0.00							0.00
343-44-0223		DT													
COUF, BERRY	3	BAT						0.00							0.00
718-80-9192		DT													
HOFF, ANDREW	4	BAT						0.00							0.00
286-78-1516		DT													
SMITH, ROY	5	BAT					2.00								2.00
340-80-0346		DT													
CRUZ, JACQUEL	6	BAT					4.00	2.00	1.00						7.00
911-30-0041		DT													
TOTAL 87 HOURS							6.00	4.00	1.00						11.00
TOTAL SATURDAY HOURS															
TOTAL DT HOURS															

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
\$ -	\$ -	\$ -	\$ -	\$ 10.25	\$ 10.00	\$ 3.75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30.00
\$ -	\$ -	\$ -	\$ -	\$ 10.25	\$ 90.00	\$ 3.75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 204.00

NAME	DT/DT	TO	DT/DT
WELFARE			
PENSION			
APPR			
SAFE			
SERVICE			

NAME	DT/DT	TO	DT/DT
WELFARE			
PENSION			
APPR			
SAFE			
SERVICE			

Amount Due To Funds:

SAVINGS *

TOTAL

*